

REMARKS

Claims 1-7 are pending. Claims 5-6 have been withdrawn from consideration by the Examiner for being directed to non-elected subject matter. By this Amendment, Claims 1-4 are amended, and Claim 7 added. Support for the amendments made to the claims, as well as the subject matter recited by new independent Claim 7, is provided in the application as originally filed, such as, for example only, the discussion found in page 13, line 27 to page 14, line 5, as well as on page 15, lines 3-5. Accordingly, Applicants respectfully submit that no new matter is presented herein.

Withdrawal of Rejection of Claims under 35 U.S.C. §103

Applicants appreciate the indication by the Examiner that the arguments presented by the Applicants in the Response filed on December 9, 2008 were deemed persuasive and that the rejection of Claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0136939 to Grieve et al. asserted in the Office Action dated September 9, 2008 has been withdrawn.

Claim Rejections -- 35 U.S.C. §102/§103

Claims 1-2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,428,918 to Fuglevand et al. (Fuglevand), and Claims 3-4 are rejected under 35 USC §103(a) as being unpatentable over Fuglevand.

Applicants respectfully traverse the rejections for at least the following reason(s).

Claim 1 recites a fuel cell power system including a fuel cell for supplying electric power to a driving motor for driving a vehicle; an electric power storage device for assisting supply of electric power to the driving motor; a connecting device, disposed between an output end of said fuel cell and the electric power storage device, for

connecting an output end of the fuel cell and the electric power storage device; a first detector which detects a terminal voltage of the fuel cell; a second detector which detects a terminal voltage of the electric power storage device; and a control device for controlling the connecting device to connect or disconnect the fuel cell with the electric power storage device; wherein when the fuel cell is being connected to the electric power storage device, the control device detects a voltage difference by subtracting the terminal voltage of the fuel cell from the terminal voltage of the electric power storage device, and when the voltage difference is larger than a predetermined value, the control device controls the connecting device so as to limit an amount of a current flowing from the fuel cell to the electric power storage device.

Applicants respectfully submit that according to the fuel cell power system recited by Claim 1, the load is a driving motor for driving a vehicle, and as such, the magnitude of the load drastically varies wherein a large voltage difference can occur between the fuel cell and the electrical storage device.

Applicants note that when a large voltage difference is detected, that is, when a voltage difference is larger than a predetermined value, typically what occurs is that a large current from the fuel cell flows into the electrical storage device, which leads to a decrease in the endurance of the fuel cell. According to the invention recited by Claim 1, the inventive fuel cell power system of the instant application prevents the decrease in endurance of the fuel cell by limiting the amount of current to the electric power storage device.

On the contrary, the fuel cell power system disclosed by Fuglevand is supplied a constant voltage supply. Therefore, since a large voltage difference does not occur in

constant voltage supply systems, the fuel cell power system of Fuglevand neither detects the voltage difference nor limits the amount of current to the electric power storage device as there is no need to do so.

Furthermore, Applicants respectfully submit that it would not be obvious to one of ordinary skill in the art to modify Fuglevand to detect a large voltage difference in view of Fuglevand teaching the use of a constant voltage supply.

As such, Applicants respectfully submit that Fuglevand does not disclose, teach or otherwise suggest each and every feature recited by Claim 1.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited in a rejected claim must be disclosed by the applied art. For at least the reasons provided above, Applicants submit that Fuglevand does not disclose or suggest each and every feature recited by pending Claim 1. Accordingly, Fuglevand does not anticipate, nor render obvious, the subject matter recited by Claim 1. Therefore, Applicants respectfully submit independent Claim 1 should be deemed allowable over Fuglevand.

Claims 2-4 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections.


Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-4 and 7, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107439-00112.**

Respectfully submitted,


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